

1 Chief Judge Marsha J. Pechman
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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

10 UNITED STATES OF AMERICA,) NO. CR06-157MJP
11 Plaintiff,)
12 v.) STATUS REPORT REGARDING
13 HENRY ROSENAU,) PROCESS OF GOVERNMENT'S
14 Defendant.) MLAT REQUEST TO CANADA
AND REQUEST FOR
CONTINUANCE OF TRIAL DATE

16 COMES NOW the United States of America, by and through Jenny A. Durkan,
17 United States Attorney for the Western District of Washington, and Marc A. Perez and
18 Susan M. Roe, Assistant United States Attorneys for said District, and files this report on
19 the status of the Mutual Legal Assistance Treaty request in the above entitled case. The
20 Request was submitted to obtain the testimony of nearly 20 Canadian witnesses, nearly
21 all of whom are unavailable as a result of the defendant's legal actions in Canada.

22 It appears that the formal MLAT request has now been accepted by the Canadian
23 government. That is, the formal MLAT is with the International Assistance Group
24 within Department of Justice Canada now, and no requests for clarification or revision
25 have been sent to the Office of International Affairs (OIA), U.S. Department of Justice.
26 There had been consultation and discussion between the two entities prior to the formal
27 presentation and it appears that the MLAT is now within parameters acceptable to

1 Department of Justice Canada. Therefore, it is likely that the MLAT as submitted will
 2 be approved.

3 The MLAT request is for certain evidence including official records, depositions
 4 of two Canadian civilian witnesses, and permissive entry of several government
 5 employees into the United States to testify at trial. It also contains a request that the
 6 Assistant United States Attorneys be allowed to enter Canada to prepare witnesses,
 7 review evidence, and take the depositions. Within the MLAT, whether witnesses would
 8 be deposed or would testify in the United States was determined by the International
 9 Assistance Group in consultation with OIA. The International Assistance Group is
 10 aware of the pending March 19, 2012, trial date.

11 To date, no information has been given to the United States as to possible specific
 12 dates or range of dates approved for the attorney visits, or the depositions. OIA
 13 indicated to the undersigned that the Canadian government typically gives 30 to 45 days
 14 notice of allowable dates. Once the government is informed of the dates, the
 15 undersigned will request "Country Clearance," a 15 day process required by the two
 16 State Departments for every official trip to Canada. Today, OIA advised the
 17 undersigned that it is unlikely that this will be accomplished within 30 days of today.

18 In light of the above, the government believes that the process is moving forward
 19 in a timely manner. However, in light of the uncertainty of timing of the allowed country
 20 visits and depositions, the government suggests a rescheduling of the current trial date
 21 of March 19, 2012, to a date three to four weeks later. At this time, an additional few
 22 weeks appears sufficient to process the MLAT yet maintains the "expedited" status of
 23 the request.

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This modest continuance sets a trial date well within the one year tolling of speedy trial, allowed by Title 18, United States Code, Section 3161(h)(8).

DATED this 16th day of February, 2012.

Respectfully submitted,

JENNY A. DURKAN
United States Attorney

s/Susan M. Roe

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1 CERTIFICATE OF SERVICE

2 I hereby certify that on February 16, 2012, I electronically filed the foregoing with
3 the Clerk of Court using the CM/ECF system which will send notification of such filing
4 to the attorney of record for the defendant.

5 *s/ Kathleen M. McElroy* _____
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